Alberta
Government

ENFORCEMENT OF THE

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

And

WATER ACT

1 Jan 2013 - 31 Mar 2013

April 2013

Compliance Assurance, Operations Division

Alberta Government

Enforcement Actions

1 Jan 2013 - 31 Mar 2013

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Administrative Penalties				
The Governors of the University of Alberta	Edmonton Plan 7520093, Block B, Lot 4	13-Mar-13 Assessed: $1,500.00	AEPEA(R) 227(e)	The Governors of the University of Alberta operate an electric power and steam generation plant pursuant to an Approval. It contravened Section 4.1.16 of its Approval on December 15, 2011, by failing to conduct two months of ambient air monitoring in 2011. Paid 22 March 2013.

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Enforcement Actions

1 Jan 2013 - 31 Mar 2013

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Amended Enforcement Orders				
Cleanit Greenit Composting System Inc. and Castro-Wunsch, Kirsten	Edmonton Plan 7822069, Block 1, Lot 4	08-Jan-13	AEPEA(R) 192/96 38 COPC 11(3)	Amendment No. 6 issued to EO-2011/03-NR requiring that the parties remove an additional 6,000m3 of material monthly beginning January 31, 2013 - November 30, 2013; Remove from the Lands the entirety of Lot 05-10 (Canmore Biosolids) while carrying out the requirements of Clause 1(a) through (d); Obtain written acceptance from each of the registered landowners and written approval from the Director prior to removing any Waste from the Lands; Disregard Clause 4 if the Material removed from the Lands is taken to an Approved Waste Management Facility; Submit a Waste and Material Removal Report; Submit and Implement a written Odours Monitoring and Communications Plan; Immediately verify and report any odour complaints received; Install and implement the operation of at least two Aerated Windrows, the first by March 1, 2013 and the second by May 1, 2013; Only accept Waste if that Waste will be composted using the Aerated Windrow System; Not release, cause or allow to be released any substance from the surface water storage pond; Submit a written 2013 Surface Water Storage Pond Rehabilitation Report; Provide written confirmation that the surface water storage pond has adequate freeboard for a 1 in 25 year, 24 hour duration storm event; Submit a written detailed Soil Impact Delineation Report; Submit confirmation that the temperature date for Lot 05-10 from October 15 to November, 2010 is valid or unavailable; Submit and implement a detailed 2013 Updated Operations Plan; Deleting, cancelling or repealing Clause 1, and Clauses 3-19, inclusive of EO-2011/03-NR; the last paragraph on page 8 of EO-2011/03-NR; and Amendments 1 through 5. Notice of Appeal dated January 15, 2013 received by the Environmental Appeals Board January 16, 2013.

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Amended Enforcement Orders				
Brero Holdings Ltd. and Bresciani, Robert	Red Deer County Plan 8820936, Block D	28-Feb-13	AEPEA(R) 227(e)	Amendment No. 2 issued to EO-2012/03-CR deleting February 28, 2013 and replacing with March 29, 2013 in Clause 1, Option A, sub-paragraph ii, and deleting Clause 1, Option A, sub-paragraph vi, and replacing with the following: vi. Once the New Well is operational pursuant to A Water Act licence issued by ESRD and is tied into the water distribution system and providing water to the distribution system, the Parties shall immediately cease diverting any water from the Primary Well. vii. The Primary Well shall be reclaimed in accordance with the Water (Ministerial) Regulation by August 30, 2013.
Brero Holdings Ltd. and Bresciani, Robert	Red Deer County Plan 8820936, Block D	28-Feb-13	WA 49	Amendment No. 2 issued to WA-EO-2012/07 deleting February 28, 2013 and replacing with March 29, 2013 in Clause 1, Option A, sub-paragraph ii, and deleting Clause 1, Option A, sub-paragraph vi, and replacing with the following: vi. Once the New Well is operational pursuant to A Water Act licence issued by ESRD and is tied into the water distribution system and providing water to the distribution system, the Parties shall immediately cease diverting any water from the Primary Well. vii. The Primary Well shall be reclaimed in accordance with the Water (Ministerial) Regulation by August 30, 2013.

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Enforcement Orders				
Citizens Power & Gas Ltd. and Blimke, Lloyd	County of Grande Prairie SW-15-74-5-W6	12-Mar-13	WA 49	Citizens Power & Gas Ltd. and Mr. Lloyd Blimke as sole Director are the developers of a residential subdivision, "Spruce Villa Estates", being a 32 lot subdivision in the County of Grande Prairie, Alberta. The Parties also own and operate a potable water system for the subdivision which provides potable water from two groundwater wells through a water distribution system for the 27 occupied lots within the subdivision. An investigation by Environment and Sustainable Resource Development [ESRD] has shown that the Parties are not complying with a number of requirements under the Code of Practice for Waterworks Systems Using High Quality Groundwater, including routine testing, monitoring provisions, and disinfection that would help ensure that the users on this system are receiving safe potable water in accordance with the Environmental Protection and Enhancement Act. In addition, water for this system is being diverted from the two groundwater wells without a licence as required by the Water Act. Concerns were also revealed with respect to the suitability of the underground concrete potable water storage tanks, unauthorized system design, lack of engineered drawings for the system, lack of a certified operator, and absence of proper disinfection equipment and routine monitoring. To date the Parties have failed to obtain Water Act licences for both Wells and obtain a registration for the Waterworks System. ESRD has conducted routine monitoring that shows safe potable water is being supplied at this time, and will continue monitoring until the Parties come into compliance. The Parties shall retain the services of a certified operator; initiate a water sampling program; conduct an engineering assessment of the system; submit a short-term compliance plan; Submit an application for the registration of the Waterworks System under the Code; and submit an application for a diversion licence under the Water Act. Notice of Appeal received by the Environmental Appeals Board March 28, 2013.
Citizens Power & Gas Ltd. and Blimke, Lloyd	County of Grande Prairie SW-15-74-5-W6	12-Mar-13	AEPEA(R) 61	Citizens Power & Gas Ltd. and Mr. Lloyd Blimke as sole Director are the developers of a residential subdivision, "Spruce Villa Estates", being a 32 lot subdivision in the County of Grande Prairie, Alberta. The Parties also own and operate a potable water system for the subdivision which provides potable water from two groundwater wells through a water distribution system for the 27 occupied lots within the subdivision. An investigation by Environment and Sustainable Resource Development [ESRD] has shown that the Parties are not complying with a number of requirements under the Code of Practice for Waterworks Systems Using High Quality Groundwater, including routine testing, monitoring provisions, and disinfection that would help ensure that the users on this system are receiving safe potable water in accordance with the Environmental Protection and Enhancement Act. In addition, water for this system is being diverted from the two groundwater wells without a licence as

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Enforcement Orders				
				required by the Water Act. Concerns were also revealed with respect to the suitability of the underground concrete potable water storage tanks, unauthorized system design, lack of engineered drawings for the system, lack of a certified operator, and absence of proper disinfection equipment and routine monitoring. To date the Parties have failed to obtain Water Act licences for both Wells and obtain a registration for the Waterworks System. ESRD has conducted routine monitoring that shows safe potable water is being supplied at this time, and will continue monitoring until the Parties come into compliance. The Parties shall retain the services of a certified operator; initiate a water sampling program; conduct an engineering assessment of the system; submit a short-term compliance plan; Submit an application for the registration of the Waterworks System under the Code; and submit an application for a diversion licence under the Water Act.
Suncor Energy Inc	Fort McMurray 26-92-10-W4 23-92-10-W4 25-92-10-W4 24-92-10-W4	28-Mar-13	AEPEA(R) 227(e)	The Company operates the Fort McMurray Oil Sands Processing Plant and Mine pursuant to an Approval. The Plant includes an industrial wastewater treatment system consisting of a series of treatment ponds. On March 24, 2011, Suncor reported a wastewater toxicity test failure and then closed the discharge outlet for Pond C. A number of additional wastewater toxicity test failures occurred while the Pond C discharge was closed. As part of the investigation, toxicity evaluations performed by Suncor identified that one likely source of the toxicity was dissolved organic wastewater contaminants. Suncor must temporarily suspend any discharges of Pond C industrial wastewater until corrective actions are evaluated; identify the source of the soluble toxicity; conduct an engineering audit of the wastewater treatment process to identify potential design mitigation measures; and conduct enhanced monitoring of the pond system wastewater. Additionally, other potential wastewater contaminants that may be causing toxicity will be investigated and corrective actions are to be taken to address the dissolved organic compounds in the industrial wastewater.

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Environmental Protection Orders				
Joule Resources Inc.	Flagstaff County SE-4-41-15-W4	03-Jan-13	AEPEA(R) 113 140	Joule Resources Inc. ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the wells. Alberta Environment and Sustainable Resource Development ["ESRD"] has not issued reclamation certificates for the Site. ESRD is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.
Joule Resources Inc.	County of Lethbridge SE-31-11-21-W4	03-Jan-13	AEPEA(R) 140 113	Joule Resources Inc. ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the wells. Alberta Environment and Sustainable Resource Development ["ESRD"] has not issued reclamation certificates for the Site. ESRD is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.
Great Northern Oil & Gas Inc.	County of Thorhild NE-32-63-18-W4	08-Feb-13	AEPEA(R) 113 140	Great Northern Oil & Gas Inc. ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the wells. Alberta Environment and Sustainable Resource Development ["ESRD"] has not issued reclamation certificates for the Site. ESRD is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.

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Environmental Protection Orders				
Jayhawk Exploration Inc.	Red Deer County SW-30-39-1-W5	08-Feb-13	AEPEA(R) 140 113	Jayhawk Exploration Inc. ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the wells. Alberta Environment and Sustainable Resource Development ["ESRD"] has not issued reclamation certificates for the Site. ESRD is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.
Verdx Minerals Corporation	MD of Wainwright SW-2-45-4-W4	08-Feb-13	AEPEA(R) 113 140	Verdx Minerals Corporation ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the wells. Alberta Environment and Sustainable Resource Development ["ESRD"] has not issued reclamation certificates for the Site. ESRD is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.

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Environmental Protection Orders				
McInnis, Jerry E.	Red Deer County Plan 7922668, Block 2, Lot 3B	25-Mar-13	AEPEA(R) 113	Stream-Flo Industries Ltd. is the current registered owner of the lands, municipally known as 39015, Highway 2A, in Red Deer County, Alberta [the "Site"] and has owned these lands since 1988. Between November 26, 1979 and September 5, 1985, the registered owner of the Site was McInnis Chemical Supply Ltd., and from September 5, 1985 to March of 1988 it was Redalco Management Ltd. Jerry E. McInnis was President, Sole Director and Shareholder, and was at all material times the sole operating mind for both companies. McInnis Chemical Supply operated a business on the site consisting of storage and supply of chemicals to the oil and gas industry and was also responsible for the construction of all the buildings and infrastructure on site. Concurrently with McInnis Chemical Supply, Redalco Management operated a business on the site consisting of storage and rental of tanks to the oil and gas industry. In early 1988, both McInnis and Redalco went into receivership and the site was purchased by Stream-Flo on April 19, 1988. Stream-Flo Industries operated a business on the site consisting of the assembly, testing, refurbishment, and delivery of wellheads and valves. In 2008 the current owner discovered an underground storage tank and a previously unexplored area of contamination. An investigation by Environment and Sustainable Resource Development revealed significant contamination of the soil and groundwater on site and there are indications that contaminants have migrated from the site. The contaminants found are consistent with products and substances that McInnis, McInnis Chemical and/or Redalco handled, used, and/or stored at the Site. A significant level of contamination has been delineated and has likely migrated off the property. Remedial work is required to ensure the contamination is below levels specified in the Alberta Tier 1 or 2 Criteria as applicable. McInnis shall submit a Remediation Plan; a schedule of implementation of the plan; monthly written reports of remedial work conducted; and a final report summarizing the work conducted, including confirmatory sampling, to remediate the contamination from the Substances to meet the applicable criteria. Notice of Appeal received by the Environmental Appeals Board 28 March 2013.

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Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Prosecutions				
McColman and Sons Demolition Ltd.		23-Jan-13 Penalty: $10,000.00	AEPEA(R) 60	Count 1: "Co-accused McColman, Alan Gerald" On or between the 5th day of May, 2009 and the 27th day of May 2010, both dates inclusive, at or near Edmonton, in the Province of Alberta did knowingly commence or continue any activity, that is designated by the regulations as requiring an approval or registration or that is redesignated under section 66.1 as requiring an approval without holding the required approval or registration contrary to section 60 of the Environmental Protection and Enhancement Act and did thereby commit an offence contrary to section 227(j) of the Environmental Protection and Enhancement Act, evidence of the said offence having come to the attention of the Director on September 4, 2009. Pled guilty, the Company was sentenced to a fine of $10,000.00 and a stop order and a remediation order were imposed. Fine paid 22 March 2013.
McColman and Sons Demolition Ltd.		23-Jan-13 Penalty: $10,000.00	WA 142(1)(h)	Count 5: "Co-accused McColman, Alan Gerald" On or between the 5th day of May, 2009 and the 10th day of May 2010, both dates inclusive, at or near Edmonton, in the Province of Alberta did commence or continue an activity without an approval or as otherwise authorized under the Water Act contrary to section 142(1)(h) of the Water Act, evidence of the said offence having come to the attention of the Director on September 4, 2009. Pled guilty, the Company was sentenced to a fine of $10,000.00 and a stop order and a remediation order were imposed. Fine paid 22 March 2013.
Mather, Dale		06-Mar-13 Penalty: $20,000.00	WA 142(2)(f)	Count 1: On or about the 1st day of September, 2009, at or near Gull Lake in the Province of Alberta did willfully commence or continue an activity without an approval or as otherwise authorized under the Water Act and did thereby commit an offence contrary to section 142(2)(f) of the Water Act. Found guilty, sentencing put over to March 6, 2013. The judge imposed a sentence of $20,000, $5,000 of which is to be paid as a fine with the rest of the funds to go towards a creative sentencing project.

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Prosecutions				
Grizzly Oil Sands ULC		27-Mar-13 Penalty: $100,000.00	WA 142(1)(e)	Count 19: "Co-accused Ulliac, Jason Denis and Ulliac Oilfield Consulting Ltd. and Grizzly Oil Sands Inc." On or between the 3rd day of November, 2010 and the 15th day of March, 2011, both dates inclusive, at or near Fort McMurray, in the province of Alberta did contravene a term or condition of a licence, to wit, Temporary Diversion Licence 283029, Condition 3.5, which states: The Licensee shall not divert more than tabulated volume of water posted in Appendix A. in that the total volume of water diverted from a water body known as Source 1 Horse East exceeded 800 cubic meters and did thereby commit an offence contrary to section 142(1)(e) of the Water Act, evidence of the offence having first come to the attention of the Director after June 10, 2011. Pled guilty and was sentenced to a global penalty of $100,000.00. The penalty consists of a $9,312 fine and a creative sentencing order in the amount of $90,688 to fund the Wetland Boreal Plant Revegetation Project. Penalty paid 18 April 2013.

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Tickets				
Berg, Darwin Donald	County of Newell	31-Jan-13 Penalty: $115.00	AEPEA(R) 61	Mr. Berg burned prohibited debris in an open fire without an approval. Paid 31 January 2013.

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Company/Individual	*Municipality / LLD*	*Decision Date/ Penalty*	*Act/ Regulation*	*Comments / Disposition*
Warning Letters				
Lowe's Companies Canada, ULC	Edmonton SW-33-51-24-W4	02-Jan-13	WA 36(1)	The Company conducted an activity without an approval and without otherwise being authorized under the Water Act by filling in or draining two wetlands on or about June 28, 2010.
Bonnyville, Town of	Bonnyville SW-15-61-6-W4	03-Jan-13	AEPEA(R) 227(e)	The Town operates the Bonnyville Waterworks System pursuant to an Approval. It contravened its approval on or about June 21, 2012 when equipment was used to discharge effluent from the lime sludge lagoon to a location not set out within the conditions of the Approval.
Cenovus Energy Inc	MD of Wood Buffalo 4-95-4-W4 NE-26-93-3-W4	09-Jan-13	WA 142(1)(e)	The Company contravened its temporary diversion licence with the withdrawl of water from an unlicensed source and failing to ensure the screen on the pump intake had openings no larger than 2.54 millimeters.
Weatherford Canada Ltd	Edmonton Plan 0020008, Block 1, Lot 25	10-Jan-13	AEPEA(R) 191	The Company failed to characterize and classify a load of hazardous waste generated at the facility prior to consignment for transportation on or about November 16, 2010.
Little Dipper Holdings Ltd	Strathcona County NE-19-52-21-W4	13-Jan-13	AEPEA(R) 61	The Company conducted an unauthorized activity, the storage of used oil in an amount greater than 10 tonnes from August, 2011 through to May, 2012.
Thorlakson Feedyards Inc	Rocky View County NE-23-27-28-W4	16-Jan-13	WA 49(1)(a)	The Company diverted water from an unnamed tributary of Crossfield Creek into a dugout without a licence on April 1, 2011.
Pengrowth Energy Corporation	MD of Provost NE-21-37-1-W4	21-Jan-13	WA 142(1)(e)	The Company contravened its licence with the annual groundwater diversion allocation for 2011 being exceeded.
Arctic Environmental Services Ltd	Strathcona County NE-19-52-21-W4	05-Feb-13	AEPEA(R) 192/96 23(1)	The Company conducted an activity, the depositing of contaminated soil at a place other than an approved waste management facility on May 3, 2012.

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Warning Letters				
Focus Corporation	Fort Saskatchewan NW-19-54-22-W4	08-Feb-13	WA 36(1)	The Company conducted an unauthorized activity, the destruction of wetlands on or about 2011.
Southfort Development Corporation	Fort Saskatchewan NW-19-54-22-W4	08-Feb-13	WA 36(1)	The Company conducted an unauthorized activity, the destruction of wetlands on or about 2011.
Sky Light Hutterian Brethren	Vulcan County SE-23-16-23-W4	20-Feb-13	WA 142(1)(e)	The Sky Light Hutterian Brethren contravened the terms and conditions of Temporary Diversion Licence No. 291164-00-00, 248178-00-00 and Licence No. 248186-00-00 between January 1, 2010 and February 1, 2012.
Sinopec Daylight Energy Ltd.	Yellowhead County SW-1-51-20-W5	26-Feb-13	WA 142(1)(e)	The Company contravened terms and conditions of Temporary Diversion Licence 307175-00-00 and 308452-00-00 between March 13, 2012 and July 1, 2012. The point of diversion for these licences was from Lambert Creek, located in Yellowhead County, Alberta.

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Water Management Orders				
No Activity				